

DELTA PROTECTION COMMISSION

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To: Delta Protection Commission

From: Walter Kornichuk

Subject: Legislative Update (For Commission Information Only)

This memorandum reflects legislation as of July 1, 1997.

Chaptered Bills (Bills that have been signed by the Governor)

AB 979, Leach: Boating Under the Influence: Arrest

This bill provides that information, obtained from certain officers of the U.S. Coast Guard who directly observe a boat operator under the influence of alcohol may be used as the sole basis for establishing the necessary reasonable cause for a peace officer of this state to make an arrest.

Status: Chaptered by the Secretary of the State-Chapter 23, Statutes of 1997.

Assembly Bills

1. Flood Control

AB 254, Machado: Flood Prevention Bond of 1998

This bill would enact a general obligation bond measure for the June 2, 1998 ballot to finance six major programs: flood prevention corridors; San Joaquin River flood prevention; levees and waterworks' improvements; Arroyo Pasajero Watershed; flood control subventions and floodplain management. The amount of the bond is between \$600 million and \$800 million.

Status: Assembly Committee on Appropriations.

2. Environment

AB 1000, Keeley: Clean Coastal Waters and Rivers Bond Act

This bill would enact the Clean Coastal Waters and Rivers Bond Act of 1998 which would authorize, for the purpose of financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers, the issuance, bonds in the amount of \$647 million. (Note: Applies to Delta waterways.)

Status: Assembly Committee on Appropriations.

AB 1479, Sweeney: Water Quality: Enclosed Bays and Estuaries

This bill would continue the Bay Protection and Toxics Cleanup Program. It would require the Department of Fish and Game, on or before March 1, 1998, to complete and submit to the state board and each regional board, and release to the public, draft interpretive reports that include data generated from stations sampled in each region and a category of each site, based on the sediment quality triad approach. This bill also requires the state board to establish fees applicable to specified dischargers who discharge into enclosed bays, estuaries, and other prescribed waters.

Status: To Senate Committee on Environmental Quality and Natural Resources and Wildlife.

3. Wildlife

AB 409, Machado: Taking of Threatened and Endangered Species

This bill would authorize the Department of Fish and Game to take endangered species for scientific, educational or management purposes, declaring all such actions taken under permit prior to April 10, 1997, as valid.

Status: Senate Committee on Natural Resources and Wildlife.

Senate Bills

1. Flood Control

SB X14, Costa: Department of Water Resources: Flood Control

This bill would appropriate \$4.365 million from the General Fund to DWR for projects recommended by the Governor's Flood Emergency Action Team. These projects include: flood center event tracking and computer mapping; improvements to ensure the integrity of the Sacramento River Flood Control System; proactive nonstructural floodplain management activities; the improvement of inspection services relating to levees, structures, designated floodways, and levee encroachment construction; inspection of dams that made large spillway releases during the 1997 floods for damage that may impair the ability of the dams to safely pass future floodflows.

Status: Senate Committee on Governmental Organization.

SB X19, Johnson: Levee Repair Funds

This bill would appropriate \$2.5 million of General Fund for the repair of numerous levee breaks on the Cosumnes River.

Status: Assembly Committee on Appropriations.

SB 312, Costa: Flood Prevention Bond Act of 1998

This bill would enact a general obligation bond measure for the June 2, 1998 ballot to finance six major programs: flood prevention corridors; San Joaquin River flood prevention; levees and waterworks' improvements; Arroyo Pasajero Watershed; flood control subventions and floodplain management.

Status: Re-referred to Senate Committee on Appropriations.

SB 1068, Thompson: Board of Reclamation

This bill would revise various standards under the jurisdiction of the Board of Reclamation for maintenance of levees, embankment, canal, or other excavation in the bed, or along the banks, of the Sacramento River or the San Joaquin River, or any other adjacent land, as prescribed. Existing law provides for the issuance of an encroachment permit by the Board for prescribed activities.

Status: In Assembly.

2. Environment

SB 1075, Johnston: Delta Protection Commission

This bill would make various clarifying and technical changes in provisions of the act.

Status: To Assembly Committee on Natural Resources.

3. Recreation

SB 2, Thompson: Parks and Recreation Improvement Bond Act

This bill would enact the Parks and Resources Improvement Bond Act of 1998 which would authorize, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$495 million. This bill would provide for the submission of the bond act to the voters at the general election to be held November 3, 1998.

Status: Senate Committee on Appropriations.

SB 172, Rainey: Abandoned Vessels

This law would create the Abandoned Watercraft Abatement Fund, establish a grant program for the removal of abandoned vessels, and make changes in law related to abandoned vessels or wrecked property on public waterways. Generally, the bill will make it easier for local agencies to dispose of wrecked or abandoned vessels in areas under their jurisdiction.

Status: To Assembly Committee on Transportation.

[Note: The Delta Protection Commission has taken a position of support.]

SB 347, Thompson: Personal Watercraft Safety

This bill would: (1) prohibit a personal watercraft operator from undertaking unsafe or reckless practices, including jumping another vessel's wake within 100 feet of the other vessel, operating at a rate of speed and proximity to another vessel such that the operator is required to swerve at the last minute to avoid collision, and operating the personal watercraft toward any person or vessel in the water and turning sharply at close range so as to spray the vessel or person; (2) require a person operating a personal watercraft equipped with a lanyard cutoff switch to attach such a lanyard to his or her person; (3) prohibit the operation of a personal watercraft equipped with a self-circling device if the self-circling device has been altered; (4) excluded persons engaged in professional

exhibitions, regattas, races, and parades from these laws; (5) prohibit the operation of a personal watercraft at any time between the hours from one-half hour after sunset to one-half hour before sunrise; and (6) provide an **infraction** penalty for violating these provisions.

Status: Re-referred to Assembly Committee on Appropriations.

SB 545, Rosenthal: Motorboat Operators: Minimum Age, Mandatory Education

This bill would raise the legal age for operating a vessel powered by a motor of greater than ten horsepower from twelve to sixteen, with specified exceptions.

This bill would allow a person twelve to fifteen years of age to operate a motorboat if that person has been issued a boating safety identification card, the person is accompanied in the vessel by a person who is eighteen years or older and has been issued a boating safety identification card or who is exempt from that requirement.

This bill also states that “until December 31, 2002, a person born after January 1, 1982, and on or after January 1, 2003, a person twenty-one years of age or younger may not operate a motorboat of ten horsepower or greater unless that person had completed a boating education course certified by the Department of Boating and Waterways or passed a boating education course equivalency examination developed or approved by the Department of Boating and Waterways.” The Department of Boating and Waterways may designate agents to administer the boating education course and issue boating safety identification cards. The cards would be valid for life.

Status: Approved by Assembly Committee on Transportation.

SB 810, Johnson: Boating

This bill would make certain noise and exhaust restrictions applicable to all motorized vessels.

Status: To Assembly Committee on Transportation.

4. Agriculture

SB 231, Costa: Incidental and Inadvertent Taking; Cannella Environmental Farming Act

This bill would authorize the Department of Fish and Game to specify in regulations the terms of incidental taking of species listed under CESA; would require DFG to consult with an advisory committee in developing the regulations; would require the Department of Food and Agriculture to take the lead in developing environmental farming programs; would require DFA to develop methods for creating more habitat for wildlife and threatened or endangered species; would require DFA and DFG to develop incentives for farmers to increase wildlife habitat.

Status: Assembly Committee on Water, Parks and Wildlife.

5. Wildlife

SB 879, Johnston: Endangered Species

This bill would permit the Department of Fish and Game to authorize the import, export, take, or possession of an endangered species, threatened species, or candidate species for scientific, educational, or management purposes. The bill would also authorize the department to issue a permit to authorize the incidental take of those species under specified conditions.

Status: Assembly Committee Water, Parks and Wildlife.